




N



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

**NOTIFICATIONS**

CASE#: C15-2017-0007  
LOCATION: 1615 S. 2nd Street

1" = 138'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





## CITY OF AUSTIN

### Development Services Department

One Texas Center | Phone: 512.978.4000

505 Barton Springs Road, Austin, Texas 78704

ml  
3

## Board of Adjustment General/Parking Variance Application

**WARNING: Filing of this appeal stops all affected construction activity.**

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. *If more space is required, please complete Section 6 as needed.* All information is required (if applicable).

### For Office Use Only

Case # C15-2017-0007 ROW # 11654522 Tax # 0401021304  
TRAD

### Section 1: Applicant Statement

Street Address: 1615 S. 2ND ST

Subdivision Legal Description:

0.603 ACRES ISAAC DECKER LEAGUE TRAVIS CO, TX; 0.599 ACRES TDCR  
#2015194070. LAND STATUS DETERMINATION C8I-2016-0091.

Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

Outlot: \_\_\_\_\_ Division: \_\_\_\_\_

Zoning District: SF-5-NP (boublin)

I/We SERGIO LOZANO-SANCHEZ P.E. on behalf of myself/ourselves as  
authorized agent for RICHARD KOORIS affirm that on  
Month January, Day 4, Year 2017, hereby apply for a hearing before the  
Board of Adjustment for consideration to (select appropriate option below):

☒ Erect ☐ Attach ☐ Complete ☐ Remodel ☐ Maintain ☐ Other: \_\_\_\_\_

Type of Structure: CONDOMINIUM

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

CHAPTER 25-2-776 CONDOMINIUM RESIDENTIAL USE.

(C) AT LEAST 3,500 SQUARE FEET OF SITE AREA IS REQUIRED FOR EACH  
CONDOMINIUM.

3/3

## Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

I contend that my entitlement to the requested variance is based on the following findings:

### Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

The zoning regulation, which is very suburban in nature, is counter-productive to Imagine Austin with regards to density and the provision of affordable housing. We believe this antiquated suburban requirement will not be included in CodeNext.

We are only short approximately 1,980 sqft of land to be able to build 8 units, equating to less than 250 sqft per unit. This means the site currently allows 7.5 units, which we would like to simply round up.

### Hardship

a) The hardship for which the variance is requested is unique to the property in that:

1.) There are several examples of this code being violated throughout the neighborhood, zip code, and City. (Continued on Page 8 in additional space)

2.) Early indications are that this requirement, which was originally designed to protect suburban neighborhoods from overly-dense development, will be revised in CodeNext to allow for developments of this sort. (Continued on Page 8 in additional space)

b) The hardship is not general to the area in which the property is located because:

The property is surrounded by SF-3 zoning, therefore there is no "apples-to-apples" comparison.

### Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

We are allowed to build 7 units without a variance. Adding an 8th unit would have an extremely small impact (if any) on the property, traffic, neighbors, etc.

The units are very modest in size. If we were limited to only 7 units, the square footage of each unit would need to be increased. In other words, we will be building the same amount of square footage and bedrooms if it is 7 units or 8 units. (Continued on Page 8 in additional space)

### Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

n/a

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

n/a

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

n/a

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

n/a

### Section 3: Applicant Certificate

2/5

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: [Signature] Date: 1/5/2019

Applicant Name (typed or printed): SERGIO LOZANO-SANCHEZ P.E.

Applicant Mailing Address: 1715 E 7TH ST

City: AUSTIN State: TEXAS Zip: 78702

Phone (will be public information): (512) 587-7236

Email (optional – will be public information): max@loccivil.com

### Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: [Signature] Date: 1.5.17

Owner Name (typed or printed): Richard Kooris

Owner Mailing Address: 501 N. 135

City: Austin State: TX Zip: 78702

Phone (will be public information): (512) 485-3000

Email (optional – will be public information): \_\_\_\_\_

### Section 5: Agent Information

Agent Name: SERGIO LOZANO-SANCHEZ P.E.

Agent Mailing Address: 1715 E 7TH ST

City: AUSTIN State: TEXAS Zip: 78702

Phone (will be public information): (512) 587-7236

Email (optional – will be public information): max@loccivil.com

### Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

-Please see attached memo and additional comments below.

-This project is currently in Site Plan Review. We have satisfied or have solutions for all other comments.

-Bouldin Creek Neighborhood Association is in full support of this project with 8 units.

14  
m/c

## Additional Space (continued)

CONTINUED FROM "HARDSHIP" SECTION ABOVE a) 1) ABOVE; Granting this variance would not provide this property with a special privilege. This is largely the result of an owner's ability to achieve a 'condominium' designation from the county after certificate of occupancy is obtained, without regard to City Code, which may create an Equal Protection issue.

CONTINUED FROM "HARDSHIP" SECTION a) 2) ABOVE: Therefore, we are disadvantaged by the timetable for code modifications to come into effect, that the city is already in the process of implementing to satisfy the obvious housing supply issue that exists in Austin and must be addressed.

CONTINUED FROM "AREA CHARACTER" SECTION ABOVE: However, building 8 units is preferable because it will allow us to build units that are more affordable, which actually makes the development conform better with the purpose of the regulations of the zoning district, as well as the wishes of the neighborhood and the city.

The 8-unit design incorporates features specifically designed to adhere to the neighborhood character, and is regulated by a restrictive covenant authored by the neighborhood association specifically for this site.

It is worth noting that the term "condo" is a form of ownership and not a land use or zoning term. It's use appears to be a misnomer in the ordinance. Any property can be divided under a condo regime, into two or more pieces, but the physical and use characteristics of the property could remain the same as before the condo regime was established. So, using "condo" as a way to distinguish a different use, or to rule against certain uses seems inconsistent with the rest of the code.

The attached memo describes the 18 plus month process. It describes Bouldin Creek Neighborhood Association support of the project, and takes the reader through the BCNA approval process and the zoning change.

We have worked very closely with the West Bouldin Neighborhood Association to craft a zoning ordinance that was agreed upon to construct up to 8 units on the site. This requirement is now an obstacle to harmonize the site with an even number of units. The configuration of the lots lend itself to have a driveway divide between the units and have a symmetric layout. In addition, large trees have been preserved in order to maintain the tree coverage that exists on the site.

The open space requirement stated in the land development code Chapter 25-2-766 (C) is outdated and is not in sync with the new urban density criteria, which is clearly depicted in Imagine Austin and Code Next.

**SAVE**

m/7

EXECUTIVE SUMMARY  
1615-17 SOUTH SECOND ZONING CASE

Our development company has applied for a Site Development Permit to build eight single family, free standing residences on two large lots facing South Second St. in the Bouldin neighborhood.

The project is currently stalled after the first round of SDP comments because we do not meet the condominium "open space" requirement of 3,500 sq. ft. per unit (25-2-776(C)).

This project is strongly supported by the Bouldin Creek Neighborhood Association and its Neighborhood Planning Team. The project had strong staff support when it went before Planning Commission and Council where it received unanimous approval to be re-zoned from SF-3 to SF-5. We feel that the intent of all of the affected parties should be respected and we should be permitted to proceed with the project. We are seeking your support and a variance of the condo restriction noted above.

PROJECT HISTORY

In the fall of 2014, the owner of two large lots, totaling 26,130 sq. ft. in area, on South Second St. offered to sell them to us for development.

The lots are extremely deep (231 ft.) relative to their combined width of 113 feet. By comparison, a standard city lot is roughly 128 ft. deep and 46 ft. wide.

The lots were zoned SF-3, a category that would permit only a single family home or a duplex to be constructed. Due to the rapidly rising land values, this use would dictate a very large structure on the land and a likely sales price of over \$1.5 million dollars.

Residences of this size and price are very much out of scale with the rest of the neighborhood and unaffordable to the young families who wish to be a part of the Bouldin Community. We had an idea for a way to put more homes on the property, much smaller in size, designed to "fit in" to the neighborhood in scale, design and cost.

In order to accomplish this, we would need to re-zone the land from SF-3 to SF-5 and, in order to do that, we would need the help and support of the Bouldin Creek Neighborhood Association.

Over the next 18 months, we met almost monthly with the BCNA Land Use Committee and eventually with the BCNA as a whole. We had a number of productive discussions and went through an extensive design process to make sure that our concepts and designs were in sync with the Neighborhood Plan and responded to the desires and concerns of the members of the BCNA.

At the end of this process, we drafted a Restrictive Covenant (RC) binding us to execute a number of very specific design and construction objectives. Because the BCNA does

not have the funding to hire legal counsel, we agreed to pay the fees of an attorney, Chase Hamilton, who would work directly for the BCNA and represent their interests in the drafting of the Restrictive Covenant.

The RC is very specific in its terms. We mutually agreed upon the number of homes to be constructed (8), the maximum footprint of those homes (799 sq. ft.) and a number of other design criteria, including the promise that two of the homes would be slightly smaller, by 15%, than the others and would therefore be even more affordable.

All of this material, especially the site plan showing eight homes, was shared with City Staff in Neighborhood Planning and was presented to both Planning Commission and Council. Everyone associated with the project, in BCNA and at the City of Austin, was completely aware of the fact and had no problem with our intent to construct eight homes on the site.

When the Conditional Overlay was approved at PC and Council, Part 2 Item A states:

Development of the Property may not exceed 8 residential units.

To us and to the BCNA, this language signifies that all parties were aware of the plan to build eight units, as clearly shown, and that was what was being approved.

The re-zoning was approved on Feb. 11, 2016. On 6.10.16 we submitted our packet for Site Plan Review and the Site Plan Reviewer (Scott Grantham) noted that:

SP1 At least 3,500 square feet of site area is required for each condominium in an SF-5 district, which would allow for 7 total units on the site. 25-2-776(C). Please revise design.

This comment alone is fatal to the project and the agreement that we have with the BCNA, memorialized in the RC and the CO.

#### ARGUMENTS FOR RELIEF

We are not sure how we got to this point. Perhaps city staff in Neighborhood Planning was not aware of these requirements that were in conflict with the plan that they extensively reviewed and recommended for approval. Perhaps the size and complexity of the Land Development Code invites these sorts of mis-understandings.

What we do know is the following:

1. We have a right to build a certain amount of conditioned square footage on our property. That will not change.
2. Both the BCNA and we would prefer to build eight houses on this property because they will be the most affordable density that can be placed on the property. If we

m/8



are forced to build seven houses, four duplex units or two gigantic single family homes, each unit will be significantly less affordable than any of the eight currently planned units.

m/a

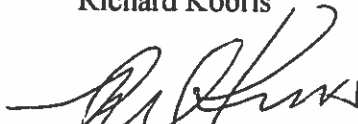
3. Our plan for eight units was clearly and unambiguously presented to both City Staff, PC and Council and approved by all of them.

4. The RC that we negotiated with the BCNA is based on our being permitted to build eight units. If we cannot do that, the RC is null and void and both we and the BCNA will have lost a great deal of time and money. And neither party will get what it believes is best for the neighborhood.

We feel that what we have proposed, and the plan that the BCNA has embraced, is entirely consistent with all of the Planning efforts currently underway in the COA.

Thanks for your time and assistance,

Richard Kooris



512-422-8878

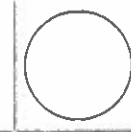
rkooris@501studios.com





1815 SOUTH 2ND ST. | AUSTIN, TX | 78704  
1815 SOUTH 2ND ST. | AUSTIN, TX | 78704  
1815 SOUTH 2ND ST. | AUSTIN, TX | 78704  
1815 SOUTH 2ND ST. | AUSTIN, TX | 78704

# SOUTH SECOND STREET



1815 SOUTH 2ND ST. | AUSTIN, TX | 78704  
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1815 SOUTH 2ND ST. | AUSTIN, TX | 78704



1 SITE PLAN W/ CONTEXT 1/8"=1'-0"

A1.1  
mf architecture

1815

**1615 SOUTH 2ND. ST**  
Board of Adjustments

February 13, 2017



architecture

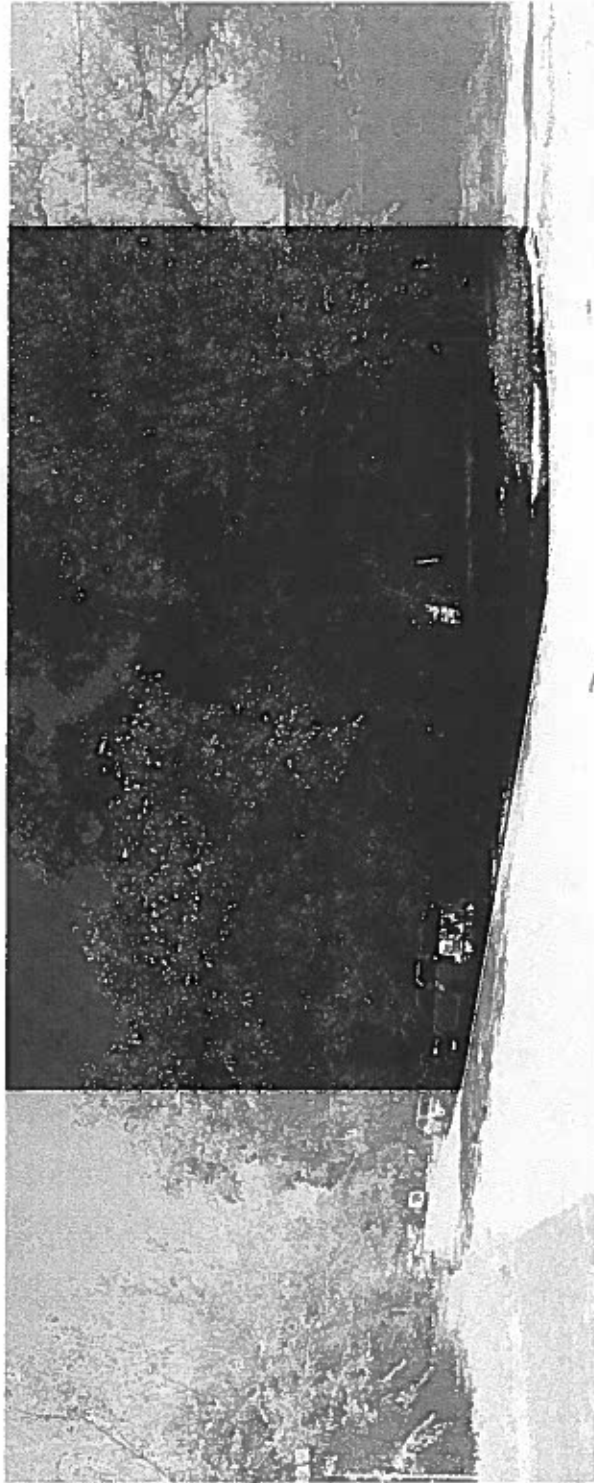
Matt Fajkus Architecture  
900 East 6th Street  
Suite 100  
Austin, Texas 78702

512.432.5137

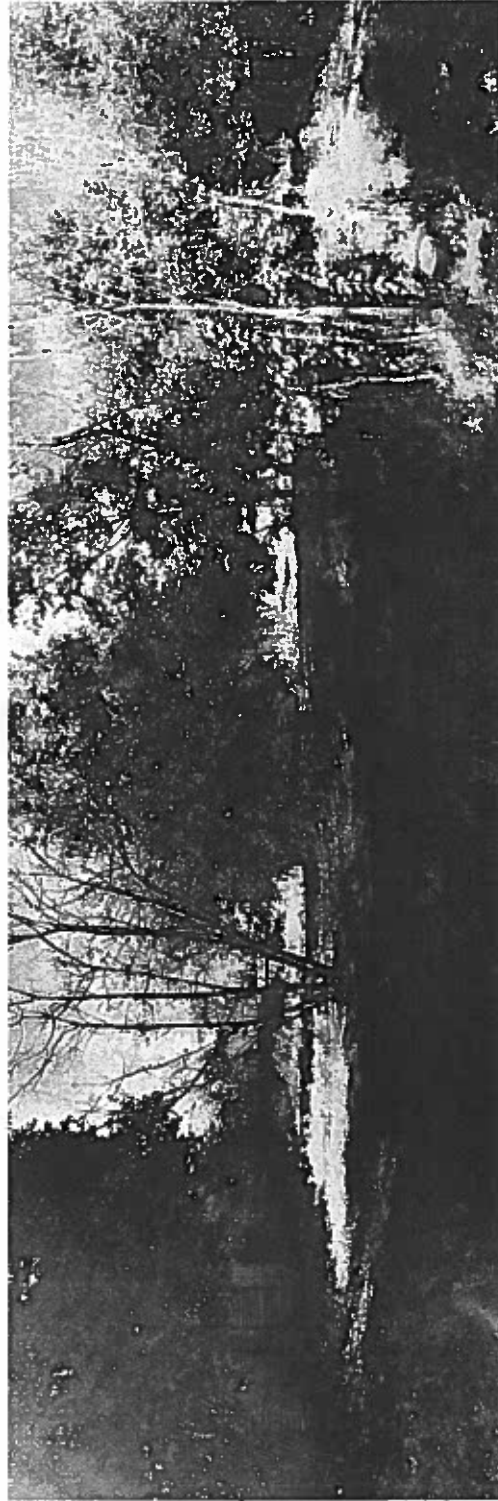
[www.mfarchitecture.com](http://www.mfarchitecture.com)

*12/13*





FRONT OF SITE ALONG SOUTH 2ND. ST.



TAKEN FROM REAR OF LOT LOOKING WEST

Reserve the Right to Build  
on a 100% Lot

## SITE PHOTOS

SOUTH 2ND ST  
Board of Adj. Appeals

February 16, 2017



architecture

MATTHEW J. ARCHITECTURE  
904 East 4th Street  
Suite 400  
Austin, Texas 78702

512.437.5127

www.mfj-architecture.com

13



TAKEN FROM MIDDLE OF LOT LOOKING WEST



TAKEN FROM MIDDLE OF LOT LOOKING NORTH

## SITE PHOTOS

SOUTH 2ND ST  
Board of Adj. Supts.

February 19, 2012



architecture

Matt Fiksel  
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Austin, Texas 78702

512.432.5137

[www.mfarchitecture.com](http://www.mfarchitecture.com)

15/13





Neighborhood Context

NEIGHBORHOOD  
CONTEXT

PROPOSED ELEVATIONS

SOUTH 2ND ST  
Block of 4th Avenue

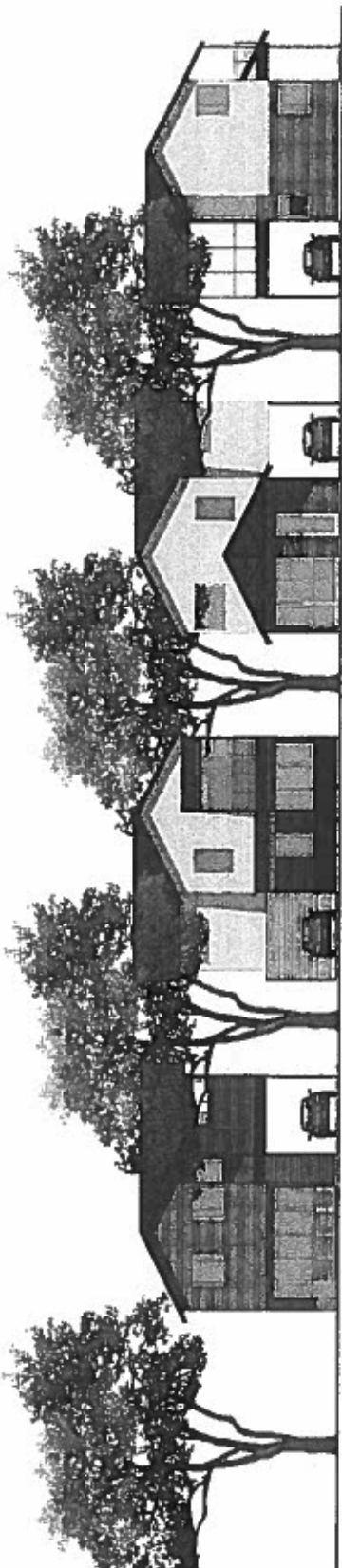
February 13, 2017



Math Faber Architecture  
595 East 6th Street  
Suite 106  
Austin, Texas 78702  
512.452.5137  
www.mfaberarchitecture.com



1615 South 2nd St. : North Elevation Interior Drive



1615 South 2nd St. : South Elevation Interior Drive





Neighborhood Context

SOUTH 2ND ST  
 Board of Public Works

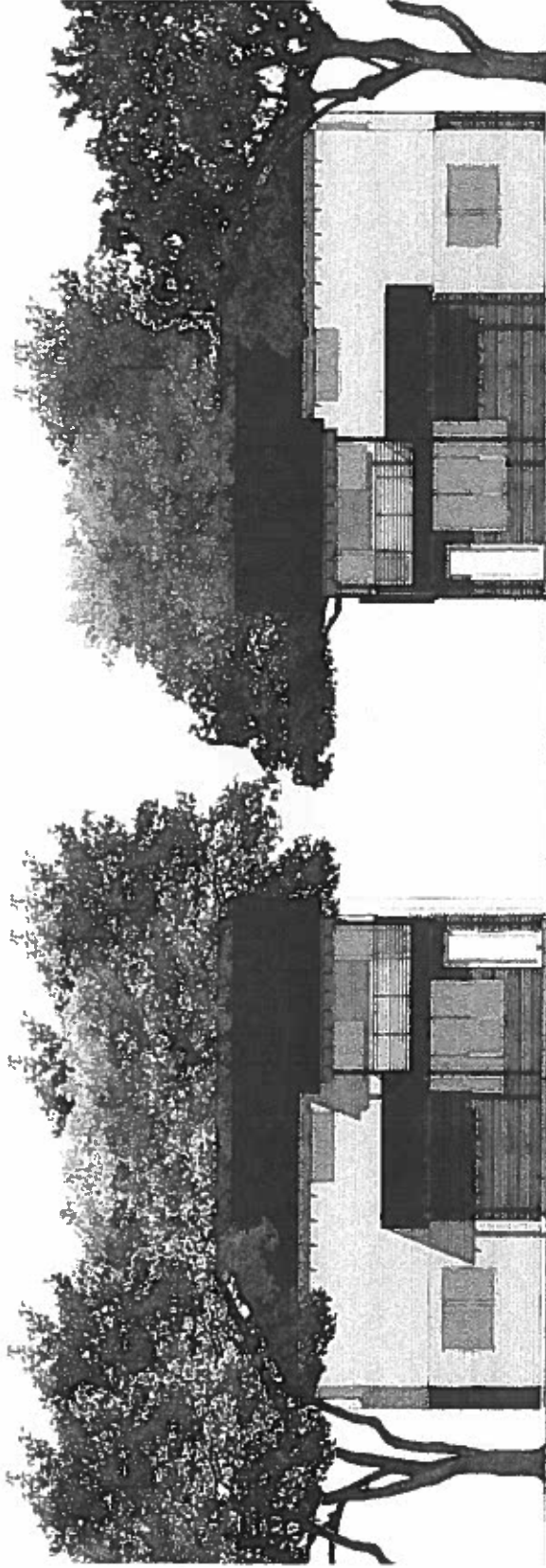
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Matt Raphael, Architect  
 900 East 6th St  
 Suite 100  
 Austin, Texas 78702

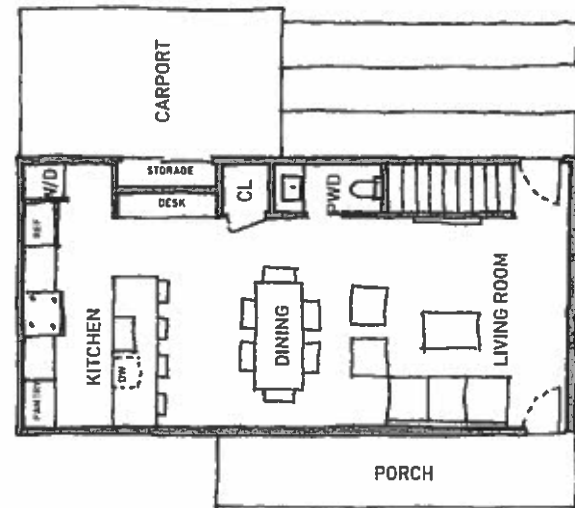
512.432.5137

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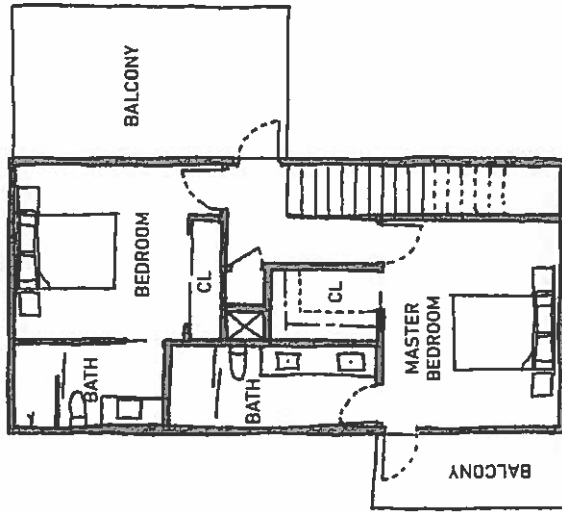


Elevation Along South 2nd St.

1/3



FLOOR PLAN 1



FLOOR PLAN 2

**BUILDING 1 & 5**  
Floor Plan Sketches  
Scale: 1/8" = 1'-0"

SOUTH 2ND ST  
Board of Adjustments

February 12, 2013



architecture

Matthew Fajardo Architecture  
900 East 6th Street  
Suite 100  
Albany, NY 12205 78762

512.622.5137

www.mfarchitecture.com

18/13

03-9-2017 2:30 PM  
Floor Plan Sketches

**BUILDING 2,4,6,7**  
**Floor Plan Sketches**

Scale: 1/8" = 1'-0"

SOUTH 2ND ST  
Road of Adjustments

February 14, 2017



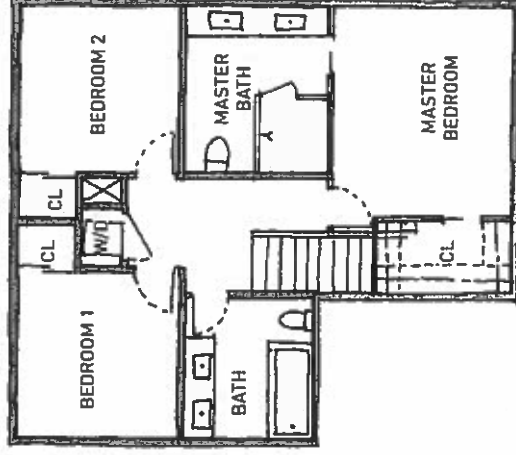
architecture

Matt Finkbeiner Architecture  
906 East 6th Street  
Suite 100  
Austin, Texas 78702

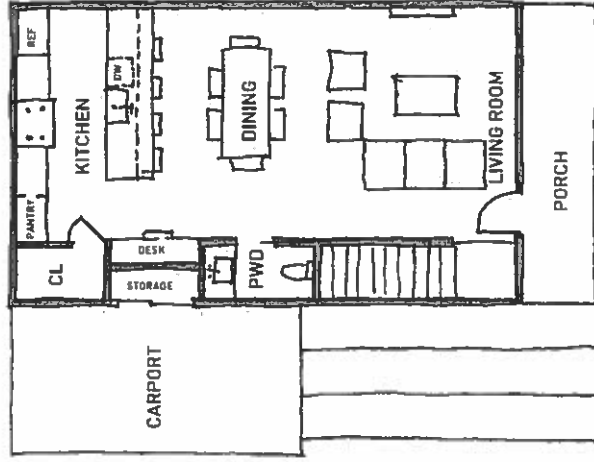
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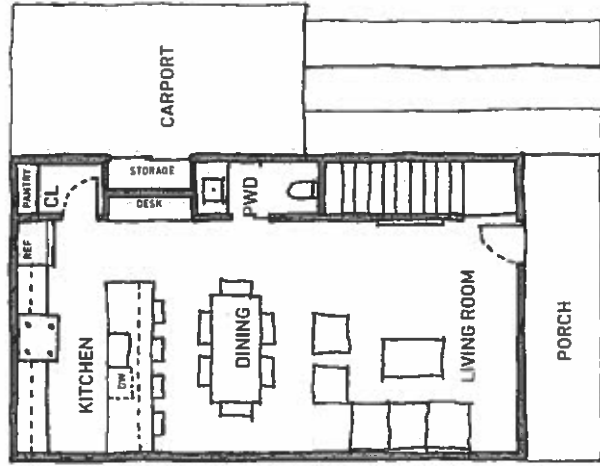
1/9/17



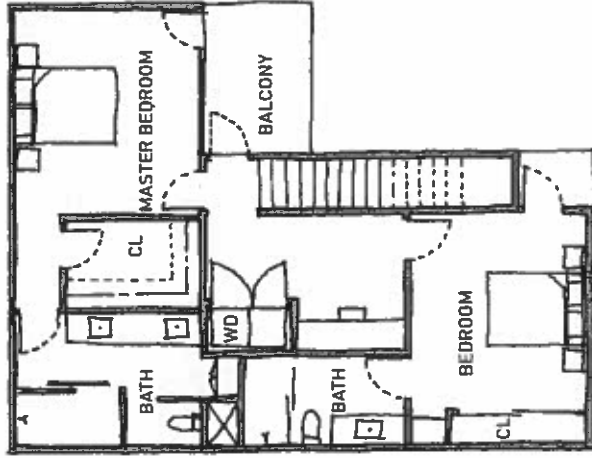
FLOOR PLAN 2



FLOOR PLAN 1



FLOOR PLAN 1



FLOOR PLAN 2

**BUILDING 3 & B**  
**Floor Plan Sketches**  
 Scale: 1/8" = 1'-0"

SOUTH 2ND ST  
 Board of Adjustments

February 14, 2017



architecture

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 Anchorage, Alaska 99502

507.432.5137

www.moffattandfugate.com

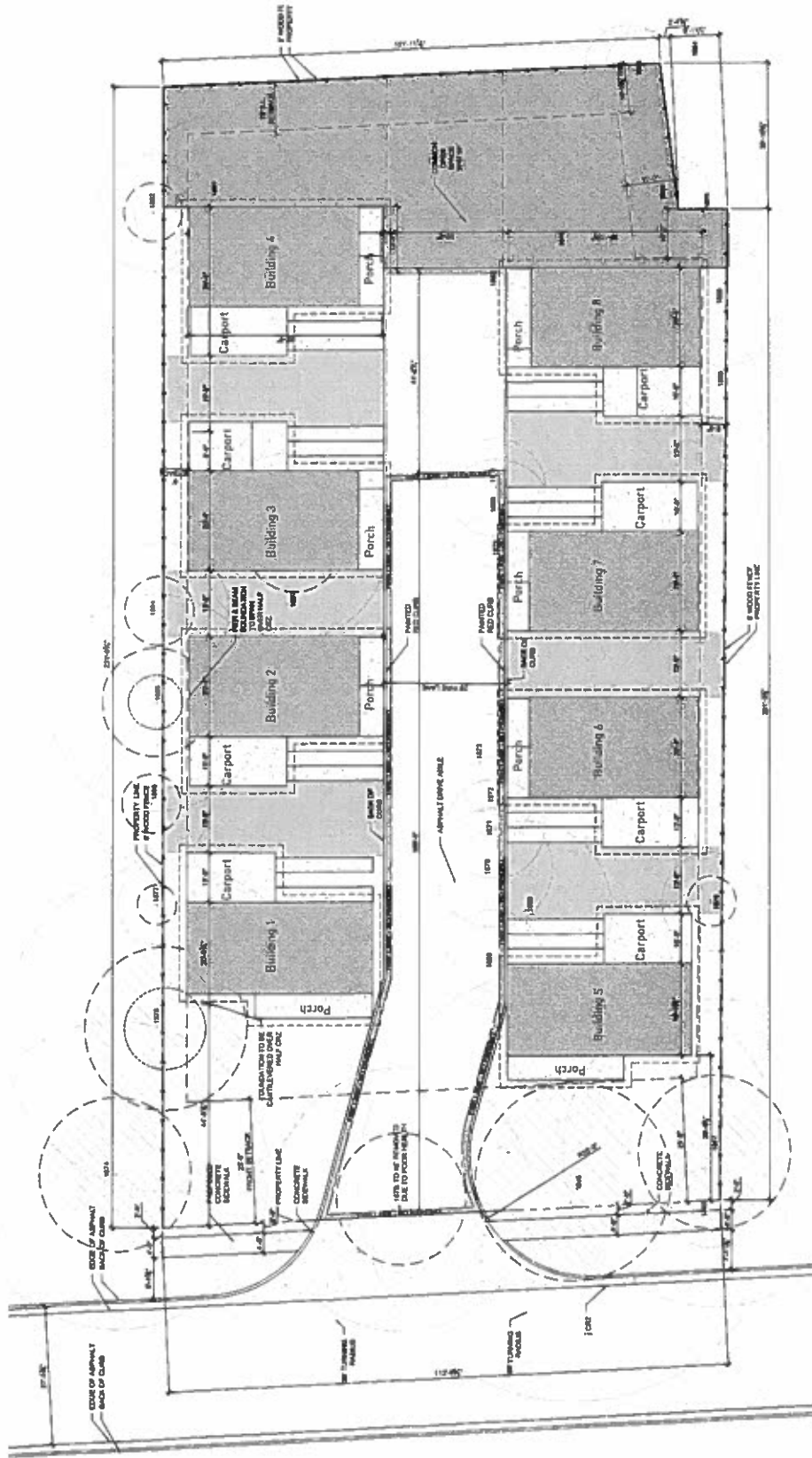
23

### Open Space Diagram:

This diagram depicts the locations for the Common Open Space on site.

The Common Open Space required by Subsection E 2.7.3 is highlighted in Green. This area exceeds the 5% needed thus fulfilling the Open Space requirement

The Spaces highlighted in yellow show the private personal space for each unit. This offers supplementary open space per 25-2-776 (G) 1.



TOTAL SITE AREA: 26131

COMMON OPEN SPACE  
3747 = 14.32%  
OF LOT

ADDITIONAL  
COMMON OPEN SPACE  
3727 SF = 14.26%  
OF LOT

TOTAL = 7474 SF = 28.6%  
OF LOT

SOUTH 2ND ST  
Permit of Adj. Streets

February 12, 2012



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Austin, Texas 78702

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2/2

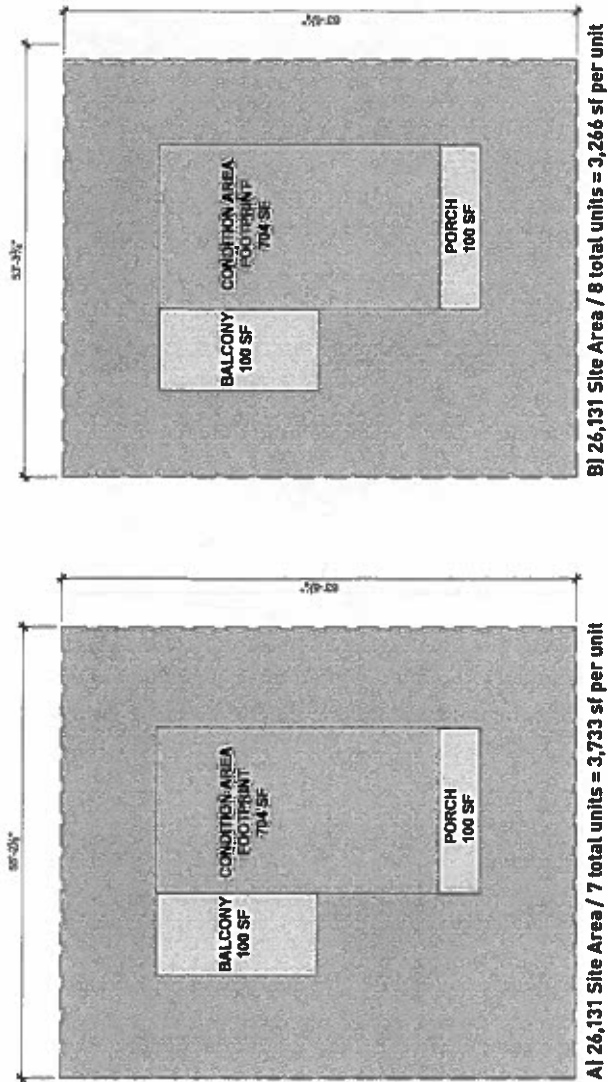
## Site Area vs. Open Space

This page depicts the difference between the 3,500 sf Site Area requirement and the 5% Open Space Requirement. These diagrams show the difference in how they relate to the site.

### Site Area requirement: 25-2-776

At least 3,500 square feet of site area is required for each condominium.

The calculations show the difference in site area per unit. The proportional difference between 7 or 8 units is 1'-10" 3/8" in width or 467 sf per unit



TOTAL SITE AREA: 26131

SITE AREA PER UNIT  
TOTAL COMMON  
OPEN SPACE  
3747 = 14.32% OF LOT

TOTAL PRIVATE  
PERSONAL SPACE:  
1816 SF = 6.95% OF LOT

SOUTH 2ND ST  
Planned Adjacent

February 12, 2017

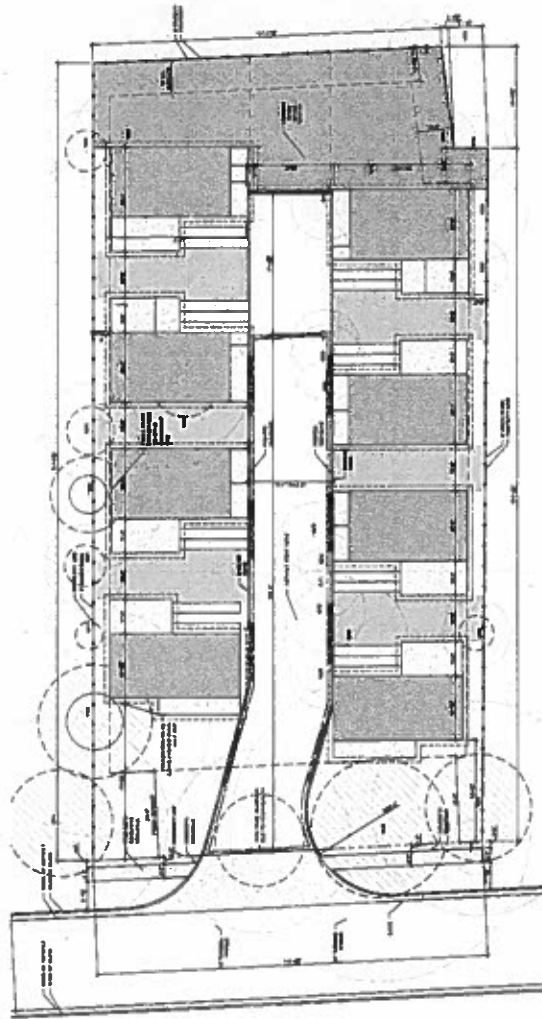


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131  
22



### Open Space Requirement per 25-2-776 G (1):

The open space must be a minimum of five percent of the gross site area of the property.

This is the requirement that was pointed out by Christine Barton Holmes that needed to be fulfilled

# Zoning Context

This page shows the unique nature of the lot. The lot is zoned SF-5 and is surrounded by SF-3 and Commercially zoned properties



SF-3

SF-5

COMMERCIAL

SOUTH 2ND ST  
Board of Adjustment

February 23, 2017



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926 East 4th Street  
Suite 400  
Austin, Texas 78702




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12/31/23



This page shows properties that are in violation of 25-2-776 (G) and do not meet the minimum 3,500 sf per unit



1521 W. 9th 1/2 St

TCAD ID	ADDRESS	UNIT	AREA
553237	1901 GLEN ALLEN ST 1 TX 78704	UNIT 1 17.5% INT IN COM AREA	2,631
553238	1901 GLEN ALLEN ST 2 TX 78704	UNIT 2 17.5% INT IN COM AREA	2,631
553239	1901 GLEN ALLEN ST 3 TX 78704	UNIT 3 17.5% INT IN COM AREA	2,631
553240	1901 GLEN ALLEN ST 4 TX 78704	UNIT 4 17.5% INT IN COM AREA	2,631
553241	1901 GLEN ALLEN ST 5 TX 78704	UNIT 5 17.5% INT IN COM AREA	2,330
553242	1901 GLEN ALLEN ST 6 TX 78704	UNIT 6 14.5% INT IN COM AREA	2,180
		Total	15,035
		Per unit	2,506
832423	2118 BRACKENRIDGE ST 1 TX 78704	UNIT 1 19.42% INT IN COM AREA	2,394
832424	2118 BRACKENRIDGE ST 2 TX 78704	UNIT 2 19.42% INT IN COM AREA	2,394
832425	2118 BRACKENRIDGE ST 3 TX 78704	UNIT 3 19.42% INT IN COM AREA	2,394
832426	2118 BRACKENRIDGE ST 4 TX 78704	UNIT 4 13.91% INT IN COM AREA	1,715
832427	2118 BRACKENRIDGE ST 5 TX 78704	UNIT 5 13.91% INT IN COM AREA	1,715
832428	2118 BRACKENRIDGE ST 6 TX 78704	UNIT 6 13.91% INT IN COM AREA	1,715
		Total	12,372
		Per unit	2,054
222207	3102 GLEN GRA ST 101 TX 78704	UNIT 101 25.6% INT IN COM AREA	2,000
222208	3102 GLEN GRA ST 102 TX 78704	UNIT 102 25.9% INT IN COM AREA	2,000
222209	3102 GLEN GRA ST 103 TX 78704	UNIT 103 25.9% INT IN COM AREA	2,000
222210	3102 GLEN GRA ST 104 TX 78704	UNIT 104 25.9% INT IN COM AREA	2,000
		Total	8,000
		Per unit	2,000
13013455	1202 MARSHALL LN 1 TX 78703	UNIT 1202 17.12% INT IN COM AREA	1,136
13013456	1202 MARSHALL LN 2 TX 78703	UNIT 1202 26.67% INT IN COM AREA	1,320
13013457	1202 MARSHALL LN 3 TX 78703	UNIT 1202 31.03% INT IN COM AREA	1,455
13013458	1202 MARSHALL LN 4 TX 78703	UNIT 1202 5.79% INT IN COM AREA	1,272
13013459	1202 MARSHALL LN 5 TX 78703	UNIT 1202 8.74% INT IN COM AREA	1,315
13013460	1202 MARSHALL LN 6 TX 78703	UNIT 1202 4.94% INT IN COM AREA	1,592
13013461	1202 MARSHALL LN 1 TX 78703	UNIT 1204 17.12% INT IN COM AREA	1,136
13013462	1202 MARSHALL LN 2 TX 78703	UNIT 1204 26.67% INT IN COM AREA	1,320
13013463	1202 MARSHALL LN 3 TX 78703	UNIT 1204 31.03% INT IN COM AREA	1,455
13013464	1202 MARSHALL LN 4 TX 78703	UNIT 1204 4.97% INT IN COM AREA	1,272
13013465	1202 MARSHALL LN 5 TX 78703	UNIT 1204 8.74% INT IN COM AREA	1,315
13013466	1202 MARSHALL LN 6 TX 78703	UNIT 1204 4.94% INT IN COM AREA	1,592
		Total	15,910
		Per unit	1,326
13013459	1301 W 9 1/2 ST 101 TX 78703	UNIT 101 14.0% INT IN COM AREA	2,214
13013462	1301 W 9 1/2 ST 102 TX 78703	UNIT 102 18.0% INT IN COM AREA	2,491
13013463	1301 W 9 1/2 ST 201 TX 78703	UNIT 201 14.0% INT IN COM AREA	2,214
13013464	1301 W 9 1/2 ST 202 TX 78703	UNIT 202 18.0% INT IN COM AREA	2,491
13013465	1301 W 9 1/2 ST 301 TX 78703	UNIT 300 32.0% INT IN COM AREA	4,428
		Total	2,748
		Per unit	2,748



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